

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.536 OF 2015

K.S.S.Damodaran

... Petitioner

-Vs-

1. The Chairman,  
Tamil Nadu Electricity Board,  
No.800, Anna Salai,  
Chennai-600 002.

2. The Superintending Engineer,  
TANGEDCO,  
CEDC West,  
Tirumangalam West,  
Anna Nagar,  
Chennai-600 040.

3. The Executive Engineer,  
O&M, Anna Nagar,  
TNEB Anna Nagar,  
CEDC/West,  
Anna Nagar,  
Chennai-600 040.

4. The Assistant Engineer,  
(O&M), Aminjikarai,  
TANGEDCO/CEDC/West,  
Kilpauk Water Work Complex,  
New Avadi Road,  
Chennai-600 010.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the fourth respondent to implement their order vide Lr.No.AE/O&M/Amjk/F.Dkt/D 455A/dt.08.12.2014.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

Petitioner has filed this Writ Petition for issuance of a writ of mandamus to issue appropriate direction to the fourth respondent to implement his order vide Lr.No.AE/O&M/Amjk/F.Dkt/D 455A/dt.08.12.2014.

2. On a perusal of the said proceedings, it is seen that it is not an order. It is, in fact, a reply sent to the counsel for the petitioner, to the legal notice, dated 02.12.2014. In the legal notice, counsel for the petitioner informed the fourth respondent that if they allow the electricity connection to be continued in Service Connection Nos.167-033-372 and 167-033-373, the same has to be extended even for the Service Connection No.167-033-211. Further, it is stated that if Service Connection No.167-033-211 is to be disconnected as per the Rules and Regulations followed by the fourth respondent, the same principle should also be applied for Service Connection No.167-033-372 and 167-033-373 and the two connections have to be disconnected. Therefore, the petitioner called upon the fourth respondent to disconnect Service Connection Nos.167-033-372 and 167-033-373. In response to the said legal notice, the fourth respondent sent the following communication to the petitioner's counsel on 08.02.2014, which reads as under :

"The S.C.No.167/033/211 was disconnected and the meter was also removed due to cc arrear pending for Rs.4678716 (up to 10/2007) and cc arrear pending from 10/2006 to till date in which the service stands in the name of Thiru P.Shanmuga Sundaram Nadar. The guidance is also requested through proper channel regarding the other service connections. This is for your kind information please."

3. This Writ Petition has been filed, seeking to implement the above communication, stating that it is an order. As already pointed out, the above communication is not an order, but, it is only a reply sent to the counsel for the petitioner.

4. Learned Standing Counsel appearing for the respondents submitted that already the Superintending Engineer, CEDC West, Anna Nagar, Chennai-40, has addressed to the Superintending Engineer, Tuticorin Electricity Distribution Circle, Tuticorin, vide letter dated 23.01.2015, requesting him to take necessary action to include the arrears amount of Rs.86,80,522/-, including BPSC, as on date, in Service Connection Nos.7365001294, 736500269, 736500270,

736500271, 736500273, 736500274 and 7365002450, which stand in the name of Shanmuga Sundaram Nadar. The learned Standing Counsel has also produced a copy of Consumer Ledger to show that Service Connection No.167-003-211 stands in the name of P.Shanmuga Sundaram and Service Connection Nos.167-033-372 and 167-033-373 stand in the name of Paulthai Shanmugasundaram. In any event, the petitioner may be informed by the respondent as to what action has been taken or why action cannot be taken as requested by him.

5. In the light of the above facts and circumstances, this Writ Petition is disposed of, directing the fourth respondent to intimate the petitioner as to what action has been taken pursuant to the communication, dated 08.02.2014, and if certain actions are not feasible of being taken, the reasons thereto shall also be set out in the said communication. The said communication shall be sent to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dixit

To

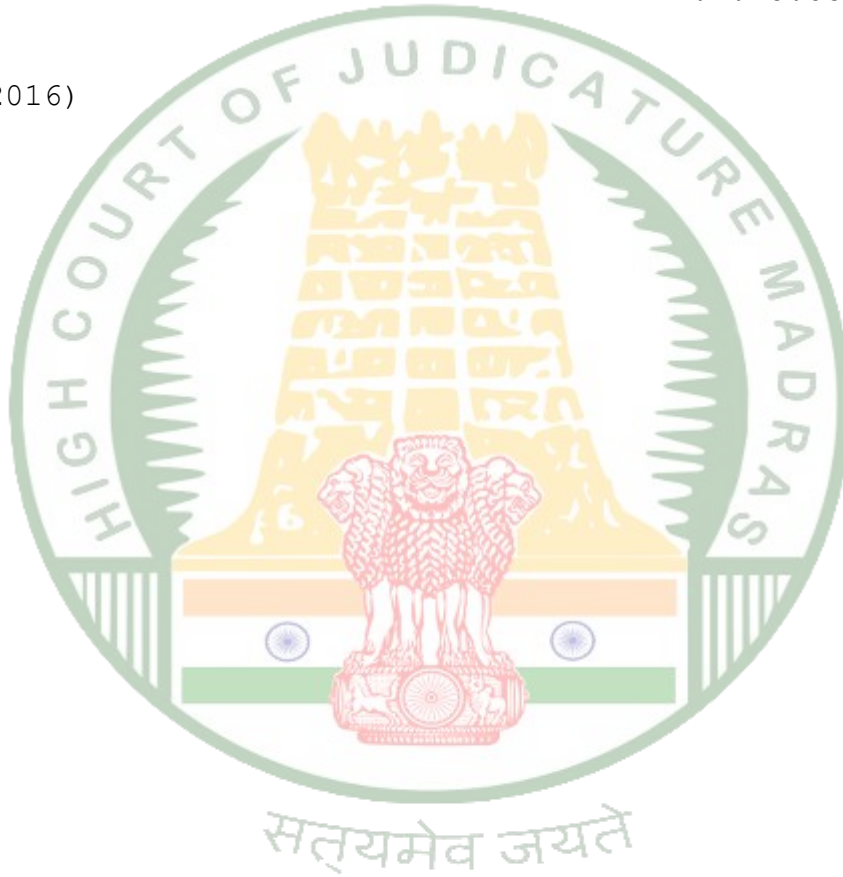
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+1cc to Mr.T.Velumani, Advocate, S.R.No.10213

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SAI (CO)  
CA(03/03/2016)



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